

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 27, 2001

DIVISION ONE

B139877 People (Not for Publication)
v.
Jackson

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B129291 Russian American Enterprise Council, Inc. (Not for Publication)
v.
RMS Foundation, Inc.

The judgment is reversed and the cause is remanded to the trial court with directions to place it back on track for trial. The Council is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

February 27, 2001-Continued

DIVISION ONE (Continued)

B141268 People (Not for Publication)
v.
Leon

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B130847 Daley (Not for Publication)
v.
Azafrani

We reverse the portion of the February 26, 1999, order awarding Azafrani \$4,131.25 in costs on appeal. In all other respects, the order is affirmed. On remand, the trial court is to set a date for a hearing on Daley's motion to tax costs and determine whether further briefing is necessary. Daley is awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B140047 People (Not for Publication)
v.
Kingstro

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

February 27, 2001-Continued

DIVISION ONE (Continued)

B134137 People (Not for Publication)
v.
Kalny

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B135047 People (Not for Publication)
v.
Tillman

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B137677 Lomes (Not for Publication)
v.
Hartford Financial Services Group, Inc., et al.

We reverse the order granting Lomes summary adjudication of the declaratory relief claim on Hartford's duty to defend and remand for the trial court to enter judgment for Hartford. We dismiss Lomes' appeal as moot. Hartford is awarded its costs on the appeal and cross-appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B131667 Haase et al. (Not for Publication)
v.
Ellenburg Capital Corporation

The judgment is affirmed. The agents are entitled to their costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

[illegible]

The judgment is reversed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

February 27, 2001-Continued

DIVISION ONE (Continued)

B139699 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION THREE

B143138 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Mary A.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Fidler, J. (Assigned)

B139308 Charles Martin et al. (Not for Publication)
v.
Barry Pollack et al.

The judgment is reversed. Appellant(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B140535 Frank F. Vigil (Not for Publication)
 v.
 Arthur A. Greenberg et al.

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B132021 Melvin Belasco et al. (Not for Publication)
 v.
 David R. Glickman et al.

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B138159 People (Not for Publication)
 v.
 Denson
 In Re Donald Ray Denson on Habeas Corpus

The judgment is affirmed. Denson's petition for a writ of habeas corpus is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B135439 Carole Ring & Associates (Certified for Publication)
 v.
 Mario A. Nicaastro

The order is reversed insofar as it denied Nicaastro reasonable attorney fees and costs incurred in post-arbitration judicial proceedings and is otherwise affirmed. On remand, the superior court is directed, pursuant to the underlying contract, to award Nicaastro reasonable attorney fees and costs incurred in post-arbitration judicial proceedings. In view of our disposition, Ring's request for sanctions on appeal is denied. Nicaastro to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B122910 Teresa J. Tabah (Not for Publication)
 v.
 Countrywide Funding et al.

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B143176 People (Not for Publication)
 v.
 Louis Essex

For the foregoing reasons the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FOUR (Continued)

B144853 The People (Not for Publication)
v.
Marcus C.

For the foregoing reasons, the order requiring appellant to register after his release from the California Youth Authority is stricken. In all other respects the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B136666 Charles Alberg et al. (Not for Publication)
v.
Weil, Gotshal & Manges LLP et al.

The judgment is affirmed. Respondents are awarded their costs of appeal.

Lewin, J. (Assigned)

We concur: Vogel (C.S.), P.J.
Epstein, J.

B145442 Gary Briggs
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Filed order certifying opinion for publication.

DIVISION FIVE

B141028 People (Not for Publication)
v.
Roberto Cruz

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B137928 Lori McKay (Not for Publication)
v.
California Unemployment Insurance Appeals Board

The judgment is affirmed. Each party to bear their own costs.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B140842 People (Not for Publication)
v.
Rodney Wharry

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B137269 Rai-Nasha Harris (Not for Publication)
 v.
 Jawed Ghias

The judgment is affirmed. Each party to bear their own costs.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B140258 Antonette Niedle (Certified for Publication)
 v.
 Workers Compensation Appeals Board

The Board's order denying reconsideration is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B138913 People (Not for Publication)
 v.
 Robert Duran et al.

The judgment of conviction is affirmed, with the following exceptions: (1) Sentence on the count three second degree robbery conviction and count four attempted second degree robbery conviction is stayed pursuant to section 654 for all three appellants; (2) the section 12022.53, subdivision (b) enhancements imposed concurrently on appellant Urzua for the count three and four convictions are also stayed pursuant to section 654; and (3) the section 12022, subdivision (a) (1) enhancement imposed concurrently on appellant Hernandez for counts 3 and 4 are also stayed pursuant to section 654.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B133103 Stacie Wells (Not for Publication)
 v.
 Ross Harkness

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B146372 Los Angeles County, D.C.F.S.
 v.
 Jaimie M.
 In re Jaime M.

Filed order modifying and certifying for publication, the opinion filed
January 29, 2001. (No change in the judgment)

B142299 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Rosalinda M.

The order terminating reunification services is affirmed. The order
terminating parental rights is reversed. The matter is remanded to the trial
court for further proceedings consistent with this opinion.

Armstrong, J.

I concur: Turner, P.J.
I dissent: Grignon, J. (Opinion)

DIVISION FIVE (Continued)

B137268 Brandy Peltz et al. (Not for Publication)
 v.
 Torrance Unified School District et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

DIVISION SIX

B140644 People (Not for Publication)
 v.
 Aranda

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B146177 Alice F. (Not for Publication)
 v.
 Ventura County Superior Court
 Ventura County Human Services Agency

The petition for writ of mandate is denied.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SIX (Continued)

B142157 Goodenough (Not for Publication)

v.

Layman

Estate of Florence Weston Harmer

The judgment is reversed and remanded with instructions to the trial court to modify its decision to provide that appellants Michelle, Danielle, Peter, and Kipp Harmer are entitled under paragraph 1.e of the will to one-half of the proceeds remaining from the sale of the Cheltenham real property pursuant to section 21110, and respondents are entitled to the other one-half pursuant to the laws of intestate succession. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B142618 People (Not for Publication)

v.

Chapa

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B141008 People (Not for Publication)

v.

Bao

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

February 27, 2001-Continued

DIVISION SEVEN

B139266 People (Certified for Publication)
v.
Cleveland

The judgment is affirmed.

Woods, J.

I concur: Lillie, P.J.

I concur and dissent: Johnson, J. (Opinion)